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6. (Amended) The method of claim 1 wherein the step of determining the remaining life of the power source includes the step of determining the probable usage rate of the power source.

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17. (Amended) A method of determining the current status and remaining life of a power source in an implantable neurological tissue stimulator comprising the steps of:

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assessing the power source voltage of the power source in an implantable neurological tissue stimulator;

determining, based on the assessed power source voltage, where the power source is in its power source life cycle by calculating the remaining power source capacity by using a formula of the form: Remaining Battery Capacity = a constant + a constant multiplied by the power source voltage determined in the step of assessing the power source voltage of the power source in an implantable neurological tissue stimulator; and

taking appropriate action in response to the determination of where the power source is in its power source life cycle.

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20. (Amended) A method of determining the current status and remaining life of a power source in an implantable neurological tissue stimulator comprising the steps of:

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assessing the power source voltage of the power source in an implantable neurological tissue stimulator;

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determining, based on the assessed power source voltage, where the power source is in its power source life cycle by calculating the power source capacity used by using a formula of the form: power source capacity used = a constant + a constant multiplied by the power source voltage determined in the step of assessing the power source voltage of the power source in an implantable neurological tissue stimulator; and

taking appropriate action in response to the determination of where the power source is in its

~~Amended~~  
~~Sub D5~~  
~~01~~ power source life cycle.

~~Sub D5~~  
~~D6~~ 22. (Amended) The method of claim 1 further comprising the step of informing the user of where in the power source life the power source is.

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~~Sub D11~~ 28. (Amended) The method of claim 27 wherein the step alerting the user by triggering an alarm includes the step of triggering an alarm chosen from the group consisting of audible or visual warnings.

~~Sub D7~~  
~~01~~ 29. (Amended) A method of determining the current status and remaining life of a power source in an implantable neurological tissue stimulator comprising the steps of:

assessing the voltage of the power source in an implantable neurological tissue stimulator;

determining, based on the assessed voltage of the power source, where the power source is in its life cycle;

obtaining a used capacity of the power source and a time that the power source has been operating; and

determining the remaining life of the power source based on the used capacity of the power source and the time that the power source has been operating.

30. (Amended) A device for determining the current status and remaining life of a power source in an implantable neurological tissue stimulator device comprising:

an implantable neurological tissue stimulator, the implantable neurological tissue, stimulator having:

a source of power;

a voltage determining system for determining the voltage of the source of power;

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a programmer for creating and processing information to be sent to and received from the implantable neurological tissue stimulator, the programmer including a processor and a memory attached thereto;

a system for communicating information between the implantable neurological tissue stimulator and the programmer;

wherein the a voltage determining system for determining the voltage of the source of power passes the determined voltage of the source of power to the system for communication; and

wherein the system for communication passes the determined voltage of the source of power from the implantable neurological tissue stimulator to the programmer and to the processor, and

wherein the processor determines, based on the determined voltage of the source of power, where the source of power is in its life cycle; obtains a used capacity of the power source and a time that the power source has been operating; and determines the remaining life of the power source based on the used capacity of the power source and the time that the power source has been operating.

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### REMARKS

The Office Action of October 3, 2001 has been carefully reviewed and this paper is responsive thereto. The Applicants respectfully request reconsideration of the Application in view of the foregoing Amendments and the following Remarks. In that Examiner's action, claims 1-16, 18, 19, 21-24, 29, 30-34, and 35 were rejected under 35 U.S.C. § 102(b), claims 25-28 and 36-39 were rejected under 35 U.S.C. § 103(a), and claims 17 and 20 were deemed allowable. By this response, the Applicants have amended claims 1, 5, 6, 17, 20, 22, 28, 29 and 30. No new matter has been introduced into the application. The claims are believed to be in allowable condition. The Applicants respectfully request reconsideration of the application, withdrawal of the rejections of the claims and allowance of all pending claims.

Attached hereto is a marked-up version of the changes made to the specification and claims by